
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

JERRY LYNN COLEMAN

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CASE NO. 4:17-CR-83

MEMORANDUM AND ORDER

Pending before the court are Defendant Jerry Lynn Coleman's ("Coleman") *pro se* Motion to Compel Attorney to Provide Petitioner with Complete Copy of Case File (#175) and Supplemental Motion to Compel Attorney to Provide Petitioner with a Complete Copy of Case File (#177), wherein he requests the court to order his former trial attorney, Douglas C. Greene ("Greene"), to provide him with a paper copy of his case file.

"As a matter of state law, a client owns the contents of his attorney's files, and the client is generally entitled to those files." *Vera v. United States*, No. 2:13-CV-013, 2013 WL 5509193, at *7 (N.D. Tex. Oct. 4, 2013); *accord Nolan v. Foreman*, 665 F.2d 738, 742 (5th Cir. 1982) ("Under Texas law, a client has the right to return of his papers on request."); *Positive Software Sols., Inc. v. New Century Mortg. Corp.*, No. 3:03-CV-0257-N, 2008 WL 11347959, at *4 (N.D. Tex. Sept. 17, 2008); *Resolution Tr. Corp. v. H---, P.C.*, 128 F.R.D. 647, 648 (N.D. Tex. 1989).

Coleman asserts that Greene sent him "a partial electronic file," but that he cannot access the electronic material at the facility where he is housed. Attached to his Supplemental Motion, however, Coleman includes a copy of the Federal Bureau of Prison's ("BOP") policy outlining how inmates can view electronic legal materials.

Coleman can obtain a physical copy of his case file by contacting his former counsel and paying reasonable copying costs. His former counsel shall coordinate the delivery of any such copies with the BOP facility where Coleman is housed. Because Coleman previously received an electronic copy of his case file and can obtain additional copies by contacting his attorney and paying reasonable copying costs, his motions (#s 175, 177) are DENIED.

SIGNED at Beaumont, Texas, this 11th day of June, 2020.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE